

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES HUMPHREY,	§	
	§	No. 166, 2011
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware, in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0912015759
Appellee.	§	

Submitted: June 23, 2011

Decided: July 5, 2011

**ORDER**

This 5<sup>th</sup> day of July 2011, it appears that the appellant, James Humphrey, filed an appeal from the Superior Court's March 7, 2011 order denying his motion for modification of sentence. On June 9, 2011, the appellee, State of Delaware, filed a motion to dismiss the appeal as moot.<sup>1</sup> Humphrey has not responded to the motion to dismiss.<sup>2</sup> Dismissal of the appeal is deemed to be unopposed.<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2), 29(b) and 30(b), (c), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>1</sup> See Del. Supr. Ct. R. 29(b) (providing for involuntary dismissal of appeal upon motion by a party).

<sup>2</sup> See Del. Supr. Ct. R. 30(b) (providing for ten-day period to respond to motion).

<sup>3</sup> *Id.* at (c). See also Del. Supr. Ct. R. 3(b)(2) (providing in pertinent part that a party is deemed to have consented to the termination of a case when the party fails to respond to another party's motion to dismiss).